



Universal Service Administrative Company  
Schools & Libraries Division

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**Administrator's Decision on Appeal – Funding Year 2010-2011**

July 15, 2013

Abe Monk  
Advanced Data Management  
15 Remon Lane  
Lakewood, NJ 08701

Re: Applicant Name: BNOS ORCHOS CHAIM  
Billed Entity Number: 16050056  
Form 471 Application Number: 745273  
Funding Request Number(s): 2011594, 2011598  
Your Correspondence Dated: April 19, 2013

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2010 Notification of Commitment Adjustment Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 2011594  
Decision on Appeal: **Denied**  
Explanation:

- USAC has determined that the Bogen system in this FRN is functioning as a redundant service and is therefore ineligible under program rules. Maintenance on an ineligible product is ineligible. You have acknowledged that there are two phone systems for the school but have contended that the two phone systems are not redundant due to design criteria that you used. However, service provider design criteria are not germane to the funding decision and there are thousands of program participants that are being adequately served by a single phone system for the school. Therefore the decision to rescind funding for maintenance on the redundant and ineligible Bogen system is upheld. The appeal is denied.
- FCC rules provide that funding may be approved only for eligible products and services. See 47 C.F.R. secs. 54.502, 54.503. The USAC website contains a list

of eligible products and services. *See* USAC website, [www.usac.org/sl](http://www.usac.org/sl), Eligible Services List. FCC rules further require that if 30% or more of the applicant's funding request includes ineligible products and/or services, then the funding request must be denied, otherwise the funding request will be reduced accordingly. *See* 47 C.F.R. sec. 54.504(d). The FCC's Aiken County Public Schools Order directed USAC to permit the applicant 15 calendar days from the date of receipt of notice in writing by USAC to revise its funding request to remove the ineligible services or allow the applicant to provide additional documentation to show why the services are eligible. *See* Requests for Review of the Decisions of the Universal Service Administrator by Aiken County Public Schools Aiken, SC, et al., Schools and Libraries Universal Service Support Mechanism, File No. SLD-397612, et al., CC Docket No. 02-6, Order, 22 FCC Rcd 8735, FCC 07-61 para. 11 (May 8, 2007).

Funding Request Number(s): 2011598  
Decision on Appeal: **Denied**  
Explanation:

- USAC has determined that the Bogen system in this FRN is functioning as a redundant service and is therefore ineligible under program rules. You have acknowledged that there are two phone systems for the school but have contended that the two phone systems are not redundant due to design criteria that you used. However, service provider design criteria are not germane to the funding decision and there are thousands of program participants that are being adequately served by a single phone system for the school. Therefore the decision to rescind funding for the redundant and ineligible Bogen system is upheld.
- FCC rules provide that funding may be approved only for eligible products and services. *See* 47 C.F.R. secs. 54.502, 54.503. The USAC website contains a list of eligible products and services. *See* USAC website, [www.usac.org/sl](http://www.usac.org/sl), Eligible Services List. FCC rules further require that if 30% or more of the applicant's funding request includes ineligible products and/or services, then the funding request must be denied, otherwise the funding request will be reduced accordingly. *See* 47 C.F.R. sec. 54.504(d). The FCC's Aiken County Public Schools Order directed USAC to permit the applicant 15 calendar days from the date of receipt of notice in writing by USAC to revise its funding request to remove the ineligible services or allow the applicant to provide additional documentation to show why the services are eligible. *See* Requests for Review of the Decisions of the Universal Service Administrator by Aiken County Public Schools Aiken, SC, et al., Schools and Libraries Universal Service Support Mechanism, File No. SLD-397612, et al., CC Docket No. 02-6, Order, 22 FCC Rcd 8735, FCC 07-61 para. 11 (May 8, 2007).

Since your appeal was denied in full, dismissed or cancelled, you may file an appeal with the FCC. Your appeal must be postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options

for filing an appeal directly with the FCC can be found under the Reference Area/"Appeals" of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division  
Universal Service Administrative Company

cc: Rabbi Censor